



May 22, 2007

SUBJECT: Request from the City of Cupertino to Testify with Regard to Additional Funding of the Mary Avenue Bicycle/Pedestrian Overcrossing Project**REPORT IN BRIEF**

In response to a request by Cupertino city officials at the May 8, 2007 Sunnyvale City Council meeting, Council requested a hearing on the issue of additional funding for the City of Cupertino's Mary Avenue Bicycle/Pedestrian Overcrossing Project. Council previously heard an item on additional funding from Sunnyvale for this project at its May 1, 2007 meeting (RTC 07-144, Attachment 1). Council acted not to approve additional funding.

Financial participation in this project was initially considered by the City Council as a 2000 Study Issue. At that time the City Council acted not to oppose the project, and to consider financial participation if Sunnyvale funds would result in improvements to the project that address Sunnyvale residents concerns regarding visibility and security. Subsequently, in 2003 the City of Cupertino prepared concept plans that included a number of features that addressed Sunnyvale residents concerns. Based on an estimate of the cost of these features, Sunnyvale agreed to provide half of the local match requirement to fund these features, or 10% of the cost. This worked out to be \$110,000. These funds were included in Sunnyvale's 2003/2004 budget.

At Council's request, staff has inflated the 2003 cost estimate to 2007 costs. Utilizing the same 10% share, the updated 2007 cost would be \$ 147,000.

ALTERNATIVES

1. Approve an increase in funding to the City of Cupertino for the Mary Avenue Bicycle/Pedestrian Bridge project from \$110,000 to \$147,000 in order to be consistent with the original intent of the contribution.
2. Approve an increase in funding to the City of Cupertino for the Mary Avenue Bicycle/Pedestrian Bridge. Specify amount of funding.
3. Do not take action to provide additional funding to the City of Cupertino for the Mary Avenue Bicycle/Pedestrian Bridge project.

RECOMMENDATION

Staff recommends Alternative #1: Approve an increase in funding to the City of Cupertino for the Mary Avenue Bicycle/Pedestrian Bridge project from \$110,000 to \$147,000 in order to be consistent with the original intent of the contribution.

A similar item was considered and acted upon at the May 1, 2007 Sunnyvale City Council meeting. This item was requested by Council in response to a request from Cupertino city officials to testify before the Sunnyvale City Council.

Reviewed by:

Marvin A. Rose, Director of Public Works
Prepared by: Jack Witthaus, Transportation/Traffic Manager

Approved by:

Amy Chan
City Manager

Attachments

A. RTC 07-144



ATTACHMENT A

May 1, 2007

SUBJECT: Request from the City of Cupertino for Additional Funding of the Mary Avenue Bicycle/Pedestrian Overcrossing Project

REPORT IN BRIEF

The City of Cupertino is requesting additional funding from the City of Sunnyvale for the Mary Avenue Bicycle and Pedestrian Overcrossing Project (See Attachment A.) This project will construct a new bicycle and pedestrian overcrossing of Highway 280 between Mary Avenue in Cupertino and an area just west of Homestead High School, roughly in alignment with Mary Avenue in Sunnyvale. This project is located entirely within the City of Cupertino. Previously the City of Sunnyvale responded to a request from Cupertino for cost sharing and acknowledged certain benefits to Sunnyvale residents and the greater west Santa Clara Valley area. In response, the Sunnyvale City Council budgeted \$110,000 from the Gas Tax Fund as a “fair share” contribution towards design and construction of the bridge.

The attached letter indicates that Cupertino needs an additional \$192,000 to fully fund this project. The request does not specify a dollar amount contribution from Sunnyvale, only that additional money is needed.

Staff believes that the previously budgeted contribution is appropriate and adequate. Further, staff believes that funding projects in other jurisdictions based on benefit accruing to the citizens of the neighboring community sets an awkward precedent, and programs are in place through outside funding agencies to recognize and address extra-jurisdictional, regionally significant projects. Funding for this project was initially justified to support measures which would alleviate perceived impacts to nearby Sunnyvale residents. These measures include fencing and landscaping designed to mitigate public foot and bicycle traffic on residents’ property. Staff believes that the current level of funding is appropriate to achieve this result.

BACKGROUND

The City of Cupertino is pursuing a project to construct a new bicycle and pedestrian overcrossing of Highway 280 to connect Mary Avenue from Cupertino to Sunnyvale. Cupertino has secured funding from a number of sources via the Santa Clara Valley Transportation Authority Bicycle Expenditure Program (\$7.0 million), State earmarks and other funding (\$1.545

million), and local funding (\$1.975 million from Cupertino; \$110,000 from Sunnyvale). In early 2003, the Sunnyvale City Council considered a request by the Mayor of Cupertino for participation by Sunnyvale in the cost of the project. Subsequently, the Sunnyvale City Council appropriated \$110,000 in funds as a “fair share” contribution to the Mary Avenue Route 280 Bicycle Footbridge Project.

EXISTING POLICY

Land Use and Transportation Element: Goal C3-Attain a transportation system that is effective, safe, pleasant, and convenient.

Land Use and Transportation Element: C3.5.1 Promote alternate modes of travel to the automobile.

Land Use and Transportation Element: C3.5.4 Maximize the provision of bicycle and pedestrian facilities

Land Use and Transportation Element R1.2, Support coordinated regional transportation system planning and improvements.

Land Use and Transportation Element: C3.7, Pursue local, state, and federal transportation funding sources to finance City transportation capital improvement projects consistent with City priorities.

DISCUSSION

Cupertino’s request is based on “...benefit accruing to the citizens of the City of Sunnyvale and the limited funding contribution to date.” The project is close to bid-ready and Cupertino estimates opening of the structure in May, 2008. The total estimated cost of the project is approximately \$10.822 million. Financing of \$10.63 million has been secured. A shortfall of \$192,000 is indicated and Sunnyvale is being asked to finance some portion or all of the shortfall.

Sunnyvale has undertaken many regionally significant bicycle and pedestrian projects within our City limits that provide benefits to users throughout the West Valley and Santa Clara County. These projects were funded without contributions from neighboring cities. Projects include: two bicycle/pedestrian bridges at Borregas Avenue and Routes 101 and 237; the Calabazas Creek Trail; the Bay Trail; the John Christian Greenbelt Trail; and, bikeway improvements to five of the cross-county bicycle corridors identified by the Santa Clara Valley Transportation Authority (VTA). Regional agencies such as the VTA and the Metropolitan Transportation Commission have established funding programs for regionally significant projects. For example, the VTA established its Bicycle Expenditure Program as a means to recognize and fund projects with regional and/or cross-jurisdictional significance, so there is a funding source that addresses the issue of cross-jurisdictional benefit. The

Mary Avenue bike overcrossing project is slated to receive \$7.0 million from this source,

Sunnyvale's justification for approving the \$110,000 contribution was based on the fact that the north terminus of the bridge right-of-way borders residential properties in the City of Sunnyvale. Residents in this area expressed concerns that the bridge project would have detrimental aesthetic and other impacts. In order to facilitate the incorporation of measures into the project that would address Sunnyvale residents' concerns, Sunnyvale agreed to a financial contribution. Staff believes that the current funding level and cooperative agreement appropriately address this issue.

The Bicycle and Pedestrian Advisory Committee (BPAC) has reviewed this request at its monthly meeting of April 19, 2007. The BPAC moved that Sunnyvale has already agreed to the cost sharing arrangement with Cupertino for the landscaping mitigation for the Sunnyvale resident's concerns. Therefore, BPAC recommends that Council direct staff to work with Cupertino to determine if the cost of providing that mitigation has increased. If so, staff should return to the City Council with a proposal to increase funding to Cupertino consistent with the original intent of the City's initial contribution, which was 10% of the cost. In addition, BPAC believes that general funds should be used to fund this contribution, rather than de-funding an existing project.

FISCAL IMPACT

Funds in the amount of \$110,000 for the Mary Avenue Bicycle/Pedestrian Bridge Project are included in the FY 2006/2007 budget. A \$65,695 payment has already been made to Cupertino. Additional funds in the amount of \$44,305 will be drawn down directly by Cupertino out of a Sunnyvale Transportation Development Act allocation from the Metropolitan Transportation Commission. Should the City elect to provide additional funding for the Mary Avenue Bicycle/Pedestrian Bridge Project, the additional amount would need to be specified and a financing source would need to be identified.

PUBLIC CONTACT

Public contact was made through posting of the Council agenda on the City's official notice bulletin board, posting of the agenda and report on the City's web page, and the availability of the report in the Library and the City Clerk's Office. The Sunnyvale Bicycle and Pedestrian Advisory Committee also held a public hearing on this item at its April 19, 2007 meeting.

CONCLUSION

Sunnyvale previously considered a funding request for the City of Cupertino's Mary Avenue Bicycle/Pedestrian Bridge Project and acted to provide funding. Funding also is available from regional sources and has been granted to the project, which recognizes its cross-jurisdictional significance. Staff believes taking action to increase financing for this project would set an awkward precedent and programs are in place through outside funding agencies to recognize and address extra-jurisdictional, regionally significant projects. No significant changes have been made to the original plan for the portion of this project that actually will affect Sunnyvale residents. These measures (fencing and landscaping) are important to Sunnyvale; however, it was determined that \$110,000 was appropriate to finance these measures. Staff believes no action should be taken to provide additional funding for the Cupertino Mary Avenue Bridge Project. The Sunnyvale BPAC recommends that the cost of landscaping features to address Sunnyvale residents' concerns be reassessed, and if this cost has increased, then the City should provide additional funding accordingly.

ALTERNATIVES

1. Do not take action to provide additional funding to the City of Cupertino for the Mary Avenue Bicycle/Pedestrian Bridge Project.
2. Provide additional funding to the City of Cupertino for the Mary Avenue Bicycle/Pedestrian Bridge Project. Specify amount and identify funding source. The BPAC recommends that any additional funding should be based on an assessment of landscape costs to address Sunnyvale residents' concerns.
3. Identify a project or projects for which funding could be reduced and reallocate that funding to the Mary Avenue Bicycle/Pedestrian Bridge Project.

RECOMMENDATION

Staff recommends Alternative 1: Do not take action to provide additional funding to the City of Cupertino for the Mary Avenue Bicycle/Pedestrian Bridge Project.

Funding previously allocated by Sunnyvale is appropriate to address measures taken to reduce perceived impacts to Sunnyvale residents.

The Sunnyvale BPAC recommends that the cost of landscaping features to address Sunnyvale residents' concerns be reassessed, and if this cost has increased, then the City should provide additional funding accordingly.

Reviewed by:

Marvin A. Rose

Director of Public Works

Prepared by: Jack Witthaus, Transportation/Traffic Manager

Reviewed by:

Mary Bradley

Director of Finance

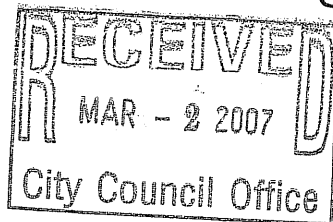
Approved by:

Amy Chan

City Manager

Attachment

A. Letter from City of Cupertino



cc: M. Rose, PW

10300 Torre Avenue
Cupertino, CA 95014-3255
Telephone: (408) 777-3212
Fax: (408) 777-3366

OFFICE OF THE MAYOR

February 28, 2007

Otto O. Lee
Mayor
City of Sunnyvale
P.O. Box 3707
Sunnyvale, CA 94088-3707

Dear Otto:

This letter serves as the City of Cupertino's official request to the City of Sunnyvale for additional funding towards the Mary Avenue Bicycle Footbridge Capital Improvement Project (CIP) for fiscal year 2007-08.

The Mary Avenue Project is a single span cable stayed bridge over Interstate Route 280 connecting an established bicycle trail system on Mary Avenue in Cupertino on the south side of Interstate 280 to Mary Avenue in Sunnyvale on the north. The bridge, when completed at the proposed site, will be a signature architectural icon as well as a practical solution to the connection of two segments of the Mary Avenue bicycle trail. In addition, it will provide convenient access for students from our two communities that attend Homestead High School or DeAnza College.

The budget for this project now stands at \$10,822,000 with the following funding sources identified:

<u>Agency</u>	<u>Amount</u>	<u>Percent</u>
VTA Grant Share	\$ 7,000,000	65.9
State Transportation Fund	500,000	4.7
Bicycle Transportation Account	900,000	8.5
TDA 3 (non-BEP)	145,000	1.4
City of Cupertino CIP	1,975,000	18.6
City of Sunnyvale	<u>110,000</u>	<u>.9</u>
Total	\$10,630,000	100

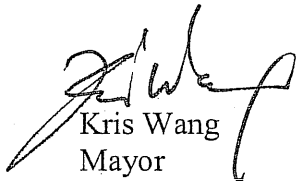
Our city is looking for additional funding towards the project at this time. Given the benefit accruing to the citizens of the City of Sunnyvale and the limited funding contribution to date, we are asking your City Council and staff to seriously consider this CIP in your 2007-08 budget. If cash funding is not available, transfer of your TDA 3 allocation would also be appreciated.

The bridge opening is planned for May 2008, so identification of additional funding is critical at this time. I have included the project budget (Attachment A) and a rendering of the completed bridge (Attachment B) for your review.

If you have any questions or need additional information, please contact our Public Works Director, Ralph Qualls at 408-777-3354 or ralphq@cupertino.org.

Thank you for your consideration of this project connecting our two cities.

Sincerely,



Kris Wang
Mayor

cc: Cupertino City Council
Ralph Qualls, Dir. of Public Works
Carol Atwood, Dir. of Administrative Services
David W. Knapp, City Manager
Mary Bradley, Finance Director, City of Sunnyvale

Attachments

ATTACHMENT 'A'
Proposed Mary Avenue Bicycle Foothbridge Project Budget

Cost Estimate – December 2006 (Rounded to \$1000's)

<u>Item</u>	<u>Amount</u>
Feasibility Study (Completed 2001))	\$ 200,000
Admin/Permits/Fees	393,000
Design/PS&E (BG/HNTB)	2,052,000
Construction Design Services (BC/HNTB)*	470,000
Construction Management(PB)*	600,000
Construction – Phase I (Completed 2005)	625,000
Cost Estimate Construction –Phase II	6,337,000
Public Art (2% of \$7.2M)	<u>145,000</u>
*(Approval Recommended 12/06/06)	
Total 100% Project Cost Estimate	<u>\$ 10,822,000</u>

Funding Sources

VTa Grant Share	\$ 7,000,000
State Transportation Fund (Sher)	500,000
City of Sunnyvale	110,000
Bicycle Transportation Account (State)	600,000
TDA 3 (non-BEP)	65,000
City of Cupertino CIP	<u>975,000</u>

Total Approved Funding – June 2005 **\$ 9,250,000**

Funding Approved Since June 2005

Additional State TDA	\$ 300,000
Additional TDA 3 (Non BEP)	80,000
06-07 CIP Funding Mary/Meteor Approach	<u>250,000</u>
Total Additional Approved Funding	<u>\$ 630,000</u>

Current Total Funding **\$ 9,880,000**

Proposed Additional Funding – Mid-Yr FY 06-07

State Proposition 42 Funds	\$ 390,000
GF Operating Budget Savings FY 05-06	<u>360,000</u>
Total Additional Proposed Funding	<u>\$ 750,000</u>

FINAL PROJECT BUDGET **\$ 10,630,000**

